

Patent
Attorney's Docket No. 040000-854

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Per JOHANSSON et al.)

Application No.: 09/994,803)

Filed: November 28, 2001)

For: FLEXIBLE INTER-NETWORK)
COMMUNICATION SCHEDULING)

Group Art Unit: Unassigned

Examiner: Unassigned

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MAR 07 2002

OFFICE OF PETITIONS

**PETITION TO THE COMMISSIONER FOR ACCEPTANCE OF
RESUBMITTED FORMAL DRAWINGS AND REQUEST THAT
A FILING DATE OF NOVEMBER 28, 2001 BE ACCORDED
UNDER 37 C.F.R. §§ 1.53(e) AND 1.17(h),
ALONG WITH A REQUEST FOR REFUND**

Attn: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Nonprovisional Application dated December 10, 2001 (copy included herewith), Applicants respectfully submit that 13 sheets of drawings were submitted with patent application no. 09/994,803 on November 28, 2001 and respectfully request that the original filing date of November 28, 2001 be accorded to the patent application.

As evidence that the 13 sheets of drawings were submitted on November 28, 2001,

Adjustment date: 04/25/2002 AKELLEY
02/05/2002 CC:001 0000007 0000007
01 FC:122 Applicants submit herewith: -130.00 UP

Refund Ref: AKELLEY 000011645
04/25/2002

CHECK Refund Total: 130.00

1. A copy of the executed Utility Patent Application Transmittal Letter dated November 28, 2001 indicating distinctly that 13 sheets of formal drawings were being submitted.
2. A filing receipt including a USPTO office date stamp dated November 28, 2001. The filing receipt specifically indicates 13 sheets of drawings numbered 1- 8E were submitted with the application.
3. A return postcard including the assigned serial number 09/994803 and November 28, 2001 filing date that is postmarked December 1, 2001. The return postcard specifically indicates 13 sheets of drawings numbered 1- 8E were submitted with the application.

Further, each of the Transmittal Letter, filing receipt including the office stamp, and return postcard, indicate that 13 pages of drawings (Figs. 1-8E) were submitted with the application on November 28, 2001, without any notation on these documents by the USPTO to the contrary. As noted in MPEP § 503, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO. Therefore, Applicants respectfully submit that 13 sheets of drawings were submitted and the filing of Application No. 09/994,803 was complete on November 28, 2001, and Applicants hereby request that a filing date of November 28, 2001 be correctly accorded.

For convenience, Applicants also submit herewith a copy of the 13 sheets of formal drawings as originally submitted on November 28, 2001.

As required by 37 CFR 1.17(h) a check for the Petition fee of \$130.00 is enclosed. However, Applicants respectfully request a refund of the \$130.00 Petition fee because the drawings were properly submitted by the Applicants and subsequently misplaced within the USPTO after filing.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Should any remaining concerns exist, the Commissioner or Office of Petitions is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

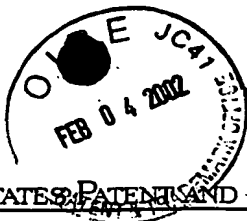
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Kevin Alan Wolff
Registration No. 42,233

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: December 28, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/994,803	11/28/2001	Per Johansson	040000-854

CONFIRMATION NO. 8832

FORMALITIES LETTER



OC000000007176145

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1401

Date Mailed: 12/10/2001

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NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

OFFICE OF PETITIONS

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

*A copy of this notice **MUST** be returned with the reply.*

MTB
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT
APPLICATION TRANSMITTAL LETTER

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Sir:

Enclosed for filing is the utility patent application of Per JOHANSSON, Ulf JÖNSSON, Fredrik ALRIKSSON and Niklas JOHANSSON for FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING.

- ☐ Applicant(s) hereby request(s) that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- ☒ Applicant(s) suggest(s) Figure 4 for inclusion on the front page of the patent application publication and patent.

Also enclosed are:

- ☒ 13 sheet(s) of ☒ formal ☐ informal drawing(s);
- ☐ a claim for foreign priority under 35 U.S.C. §§ 119 and/or 365 is ☐ hereby made to filed in on ;
- ☐ in the declaration;
- ☐ a certified copy of the priority document;
- ☐ a General Authorization for Petitions for Extensions of Time and Payment of Fees;
- ☒ an Assignment document;
- ☒ an Information Disclosure Statement;
- ☐ a patent application bibliographic data sheet; and
- ☐ Other:
- ☒ An ☒ executed ☐ unexecuted declaration of the inventor(s)
- ☒ also is enclosed ☐ will follow.
- ☐ Please amend the specification by inserting before the first line the sentence --This application claims priority under 35 U.S.C. §§ 119 and/or 365 to filed in on ; the entire content of which is hereby incorporated by reference.--

DOCKETED ⁷⁰



21839

11/28/01 C.G. A3

☐ Please amend the specification by inserting before the first line the sentence:

—This application is a continuation of International Application No. filed on , which International Application ☐ was ☐ was not published by the International Bureau in English on —.

☐ Small entity status is hereby claimed.

☒ The filing fee has been calculated as follows ☐ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	36	MINUS 20 =	16	× \$18.00 (103) =	288.00
Independent Claims	5	MINUS 3 =	2	× \$80.00 (102) =	160.00
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					1,158.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee \$40.00 (581) if Assignment document is enclosed					40.00
TOTAL APPLICATION FEE DUE					1,198.00

☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

☒ A check in the amount of \$ 1,198.00 is enclosed for the fee due.

☐ Charge \$ to Deposit Account No. 02-4800 for the fee due.

☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Please address all correspondence concerning the present application to:

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404.

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Respectfully submitted,

OFFICE OF PETITIONS

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 28, 2001

By: Kevin Alan Wolff
Registration No. 42,233

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Inventor: Per JOHANSSON et al.

Docket No.: 040000-854

Work Atty: RLG/KAW:ats

Appln. No. (14)

Unassigned

Date: November 28, 2001

Title: FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

☒ Executed Declaration/Power of Attorney

☐ Check for \$ 1,198.00 is enclosed

☐ Check for \$ is enclosed

☐ Charge \$ to Deposit Account

☐ Assignment/Assignment Recordation Form

☐ Cover Sheet (PTO-1595)

☐ Claim for Convention Priority w/_ certified copy(s)

☐ Preliminary Amendment

☐ Information Disc. Statement Transmittal

☐ Letter

☒ Information Disclosure Citation (PTO-1449)

☒ Information Disclosure Statement w/_ document(s)

☐ Petition for Month Extension of Time

☐ Constructive Petition for Extensions of Time

☐ Bibliographic Data Entry Form

☒ Utility Patent Application Transmittal

☐ Design Patent Application Transmittal

☐ Continuing Prosecution Application

☐ Request

☐ Provisional Application Cover Sheet

☐ Provisional Application Transmittal

☐ Continuation/Divisional Application (Rule 1.53(b)) with copy of application

☐ Request for Continued Examination

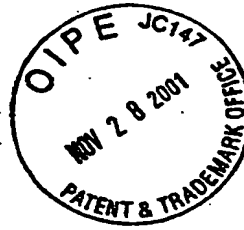
INCLUDING:

☒ Specification (pages 1 - 33)

☒ Claims (claim(s) 1 - 36, 6 pgs.)

☒ Drawings (Fig(s). 1 - 8E, 13 pgs.)

☒ Abstract of the Disclosure



(10/00)

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Inventor: Per JOHANSSON et al. Appln. No. Unassigned
Docket No.: 040000-854 Work Atty: RLG/KAW:ats Date: November 28, 2001
Title: FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Utility Patent Application Transmittal | <input checked="" type="checkbox"/> Executed Declaration/Power of Attorney | <input checked="" type="checkbox"/> Check for \$ <u>1,198.00</u> is enclosed |
| <input type="checkbox"/> Design Patent Application Transmittal | <input type="checkbox"/> Unexecuted Declaration/Power of Attorney | <input type="checkbox"/> Check for \$ <u> </u> is enclosed |
| <input type="checkbox"/> Continuing Prosecution Application Request | <input checked="" type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Charge \$ <u> </u> to Deposit Account |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input type="checkbox"/> Claim for Convention Priority w/ <u> </u> certified copy(s) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> Provisional Application Transmittal | <input type="checkbox"/> Preliminary Amendment | |
| <input type="checkbox"/> Continuation/Divisional Application (Rule 1.53(b)) with copy of application | <input checked="" type="checkbox"/> Information Disc. Statement Transmittal Letter | |
| <input type="checkbox"/> Request for Continued Examination | <input checked="" type="checkbox"/> Information Disclosure Citation (PTO-1449) | |
| | <input checked="" type="checkbox"/> Information Disclosure Statement w/ <u>5</u> document(s) | |
| | <input type="checkbox"/> Petition for <u> </u> Month Extension of Time | |
| | <input type="checkbox"/> Constructive Petition for Extensions of Time | |
| | <input type="checkbox"/> Bibliographic Data Entry Form | |
- INCLUDING:
☒ Specification (pages 1 - 33)
☒ Claims (claim(s) 1 - 36, 6 pgs.)
☒ Drawings (Fig(s). 1 - 8E, 13 pgs.)
☒ Abstract of the Disclosure

1058 U.S. PTO
09/994803
11/28/01

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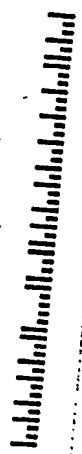
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